IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

Bail Appl..No. 6120 of 2007(S)

CRIME NO.637/2007 OF MATHILAKOM POLICE STATION

PETITIONER

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1. SHANAVAS P.K. @ SHIBU, S/O.KHALID,
AGED 29 YEARS, PUTHIYAVEETTIL HOUSE,
KAIPAMANGALAM, CHALINGADU P.O., THRISSUR.

2. KHALID, S/O.MOIDU, AGED 60 YEARS,
PUTHIYAVEETTIL HOUSE, KAIPAMANGALAM,
CHALINGADU P.O. THRISSUR.

3. KOCHURABIA, W/O.KHALID, AGED 49 YEARS,
PUTHIYAVEETTIL HOUSE, KAIPAMANGALAM,
CHALINGADU P.O., THRISSUR.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MATHILAKOM POLICE STATION, THROUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6120 of 2007

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Dated this the 9th day of October, 2007

ORDER

Application for anticipatory bail. Petitioners are the husband and parents in law of the de facto complainant. Crime has been registered under Section 498A on the basis of a private complaint filed before the learned Magistrate and referred by the learned Magistrate to the Police under Section 156(3) Cr.P.C. The marriage took place on 28.04.07. Hardly six months have passed and the parties are before the Courts by now. There is strain in the matrimony. According to the learned counsel for the petitioners, false and vexatious allegations are being raised solely because of the said strain in the matrimonial tie. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of the case, that anticipatory bail can be granted to the petitioners. In coming to this conclusion, I take note of the fact that arrest and incarceration of the petitioners is likely to mar the matrimonial tie beyond repair.

3. In the result, this application is allowed. The following directions are issued under Section 438 Cr.P.C.:-

i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m on 16.10.2007. They shall be enlarged on regular bail on their executing bonds for Rs.25,000/-(Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m on 17.10.07 and 18.10.2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 16.10.07, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 16.10.2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE